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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

(CHHATTISGARH)

SINGLE BENCH

WRIT PETITION NO. 2380 OF 2006

PETITIONER : Shiv Kailash Singh, Son of Late Pancham Singh, aged about 50 years, Occupation Inspector of C.G. Police, at present posted as R.T.I. (Regional Transport Inspector), Rengar Pali Check Post, Raigarh (C.G.).

RECEIVED-COPY 4/5/06 CLERK to A. G. BILASPUR

VERSUS

RESPONDENT :

1. The State of Chhattisgarh, Through: The Secretary, Department of Home, D.K.S. Bhawan, Raipur (C.G.).

2. The Director General of Police, Police Head Quarters, Raipur, (C.G.).

3. The Regional Transport Officer, Raigarh (C.G.).

P.R. No. 2431/06 Presented by Shri Sinha (Adv) dated 4/5/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 2380 सन् 06 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8-5-2006

Smt. Hamida Siddique, counsel for the petitioner.

Shri Ashutosh Kachchwaha, Govt. Advocate for the State/ respondents.

Heard both the counsel.

By this writ petition, the petitioner has questioned legality and propriety of his transfer order dated 8-2-2006 (Annexure-P/1) on the ground that on account of major surgery he is not able to perform his duties.

At the outset, learned counsel for the petitioner submitted that the petitioner has already made a representation dated 31-3-2006 (Annexure-P/3) to the Director General of Police mentioning that in the year 2004 he underwent a surgery regarding stone in the gallbladder, therefore, it is difficult for him to lead the team in a naxalite area, hence he be posted anywhere except the naxalite area. A certificate dated 5-4-2006 given by Dr. V.K. Khetrapal, Surgical Specialist, S.P. Govt. Hospital, Bilaspur has been attached in which the doctor has mentioned that the petitioner underwent major extensive abdominal surgery and is unable to perform heavy duty as still complain of pain in abdomen off and on.

Learned counsel further submitted that respondent No.2 be directed to get the petitioner medically examined and the petitioner has no objection if he is posted considering the medical opinion of the Board.

Prayer made by learned counsel for the petitioner appears to be fair, reasonable and genuine. Therefore, respondent No.2 is directed to constitute a Medical Board to examine the petitioner in order to see as to whether the petitioner is able to perform his duties on the post where he

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

has been posted, and thereafter to consider the posting of the petitioner according to the opinion of the Medical Board.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P No.1806/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

[पीछे देखिये